IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 27273 of 2007(V)

PETITIONER:

V.P.JOSEPH, ALIAS BABY,VADASSERY HOUSE
KADEBHAGAM,PALLURUTHY,KOCHI-6.

BY ADV. SRI.SABU GEORGE

RESPONDENTS:

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1. THE COMMISSI0NER OF LAND REVENUE
PUBLIC OFFICE BUILDING, MUSEUM JN,
THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR,
ERNAKULAM.

3. DIVISIONAL FOREST OFFICER,
ERNAKULAM.

BY GOVT. PLEADER MR. I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 27273 OF 2007 V
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Dated this the 24th September, 2007

J U D G M E N T

Aggrieved by Ext. P4 order whereby the petitioner's application for gun licence was rejected and which was confirmed by Ext. P6, this writ petition has been filed.

2. Petitioner has applied for a gun licence on the basis that it is needed for the protection of his property. However, the same has been declined by the District Collector merely by stating that the said application was not recommended by the Divisional Forest Officer. He went in appeal to the 1st respondent which was also rejected by Ext. P6 by a one line order. Complaining that the appellate order was passed without notice or hearing the petitioner, he sought a re-hearing before the 1st respondent and that was also turned down by Ext. P8. It is stated in Ext. P8 that a registered notice sent to him was returned unserved.

3. Irrespective of the fact whether the petitioner was put on notice or not, facts show that this is a

case where the District Collector had turned down the request of the petitioner merely on the ground that the Divisional Forest Officer had not recommended his application. It is evident from the order itself that there has not been an independent consideration of the application. The District Collector being the statutory authority ought to have considered the application of the petitioner on its merit and should not have been guided merely by the Divisional Forest Officer's response to the application. This Court has taken this view in the judgment in ***Ganesh Prasad v. Board of Revenue (LR)*** {2005 (2) KLT 655}. Similarly the rejection of the appeal by Ext. p6 is also bad for the reason that it is not a speaking order.

4. Considering all the aforesaid circumstances, I dispose of this writ petition quashing Exts. P4 and P6 and directing the 2nd respondent to consider the application made by the petitioner afresh with notice to him and after affording him an opportunity of being heard. Orders on the application shall be passed as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this

judgment.

Petitioner shall produce a copy of this judgment before the 2nd respondent for compliance.

ANTONY DOMINIC
JUDGE

jan/-